



NEWS RELEASE

The Scottish Criminal Cases Review Commission has referred to the High Court the case of Graham Gordon in respect of his conviction. Mr Gordon was convicted at the High Court in Stonehaven on the 5 September 2002 of rape and sentenced to five years imprisonment. His appeal against conviction was refused on the 29 September 2004.

In his application to the Commission, Mr Gordon raised a number of grounds which he considered justified his case being referred back to the High Court. These were:-

1. That there was prejudicial pre-trial publicity in his case.
2. That there was a change in the definition of the law of rape between the time of the alleged commission of the offence and the trial and conviction of Mr Gordon which made his conviction unjust and oppressive.
3. That there was an insufficiency of evidence for his conviction.
4. That there was a material misdirection by the trial judge.
5. That there was defective representation by his legal representatives.
6. That there were procedural errors in the conduct of his appeal.
7. That there were attempts by the Police to pervert the course of justice.
8. That there was a failure by the Crown to disclose information to the defence.
9. That there was a failure by the Police to disclose certain information to the Crown.
10. That there was a failure by the Police to carry out certain proper investigations.

Having investigated the various grounds of review, the Commission does not believe that there may have been a miscarriage of justice in respect of numbers 1-7 of Mr Gordon's grounds of review.

However, the Commission believes that there may have been a miscarriage of justice in respect of grounds 8, 9 and 10. The Commission has also uncovered, during its investigations, new evidence that was not available at the time of Mr Gordon's trial; the absence of which the Commission also believes may have led to a miscarriage of justice.

Notes for Editors

The Scottish Criminal Cases Review Commission was established as an independent body on 1 April 1999 to review alleged miscarriages of justice in Scottish convictions and/or sentences. Under section 194 A to L of the Criminal Procedure (Scotland) Act 1995 (as inserted by section 25 of the Crime and Punishment (Scotland) Act 1997) the Commission can refer a case to the High Court if it believes that a miscarriage of justice may have occurred and that it is in the interests of justice that a reference should be made. The Commission's remit extends to both solemn and summary cases.

Once a case is referred to the High Court by the Commission, it will proceed as a normal appeal. The appellant or his legal advisors may seek to expand the grounds of appeal from those which are the subject of the referral.

The Commission currently operates with a Board of 8 Members, one of whom is the Chairperson, a Chief Executive, a Director of Administration, 1 Senior Legal Officer, 8 Legal Officers and administrative support staff.

When a case is referred, the Commission issues a press release to disclose the fact that the case has been referred, with general details relating to the case. However, as the Commission operates under strict statutory non-disclosure provisions, it is not possible for the Commission to disclose any further information about such cases. The Commission will not release any information regarding cases in which no referral has been made or in respect of cases under review.

For any further general information about the Commission please contact Mr Chris Reddick, Director of Administration, SCCRC, 5th Floor Portland House, 17 Renfield Street, Glasgow, Tel: 0141 270 7031, e-mail: creddick@sccrc.org.uk or visit the Commission's website at www.sccrc.org.uk